

Panaji, 2nd December, 1982 (Agrahayana 11, 1904)

SERIES I No. 36

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/18/76-PER

In exercise of the powers conferred by the proviso to, article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lieutenant Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-Ministerial, Non-Gazetted post of Translator (Marathi/English) in the Directorate of Information under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu, Directorate of Information Group 'C' Non-Ministerial, Non-Gazetted post Recruitment Rules, 1982.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes, and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 24th November, 1982.

# SCHEDULE

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Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Translator (Marathi/English)	One	Group 'C' (Non-Ministerial Non-Gazetted).	Rs. 425-15-500-EB-15-560-20-700.	N. A.	Not exceeding 30 years (Relaxable upto 5 years for Govt. servants).	<p><i>Essential:</i></p> <p>1. Bachelor's degree of a recognised University or equivalent with: —</p> <p>i) Marathi and English as elective subjects.</p> <p>OR</p> <p>ii) English as Major and Marathi as ancillary subjects.</p> <p>OR</p> <p>iii) English as Major at Graduation level and Marathi at Higher Secondary or Intermediate level.</p> <p>2. 2 years experience of translating from English to Marathi/Konkani and vice-versa.</p>	N. A.	Two years	By direct recruitment	N. A.	Group 'C' D.P.C.	N. A.

## Forest and Agriculture Department

## Notification

2-3-81-FSH

The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 published in Gazette of India Extraordinary Part-II-Section 3-Sub-Section (ii) dated 26-8-1982 is hereby republished for the information of the public.

N. P. Gaunekar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 2nd November, 1982.

## MINISTRY OF AGRICULTURE

(Department of Agriculture &amp; Co-operation)

## Notification

New Delhi, the 26th August, 1982

G.S.R. 619(E).—In exercise of the powers conferred by section 25 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981), the Central Government hereby make the following rules, namely:

1. *Short title and commencement.*—(1) These rules may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires:—

(a) "Act" means the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981);

(b) "crew" includes the team of technical, semi technical and non-technical member associated with the operation of the fishing vessels;

(c) "flag state" in relation to a foreign vessel means the State in which the vessel is registered or, where the vessel is not registered, the State whose flag the vessel is entitled to fly;

(d) "Form" means a Form annexed to these rules;

(e) "licence" means a licence granted under section 4;

(f) "permit" means a permit granted under section 5 or under section 8, as the case may be;

(g) "Schedule" means Schedule to these rules;

(h) words and expressions used but not defined in these rules but defined in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981) shall have the meanings respectively assigned to them in that Act.

3. *Licences.*—(1) Every owner of a foreign vessel or any other person described in section 4, who intends to use such vessel for fishing within any maritime zone of India, shall make an application in Form A to the Central Government. This form shall include the following information:—

(a) the name and description of the vessel, its equipment and complement;

(b) the flag state and home port of the vessel;

(c) the name and address of the owner and master of the vessel and, where applicable, its character;

(d) the side number of the vessel, the radio frequencies and call sign;

(e) a description of the proposed purpose and the period for which the licence is required;

(f) the name and address of a person resident in India having a permanent office or establishment in India who is authorised by the owner of the vessel to represent him for the purpose of providing liaison with the Government of India; and

(g) any information required by the Central Government or by an officer designated by it to grant a licence in any case where, in its opinion the information furnished by the applicant requires clarification or amplification.

(2) Every application referred to in sub-rule (1) shall be made not less than thirty days prior to the first day on which the licence is required;

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may, on receipt of an application, after making such enquiry as may be relevant, grant a licence in Form B for all or any of the following purposes, namely:—

(i) to engage in commercial fishing;

(ii) to tranship or to take on board any fish, outfit or supplies while at sea;

(iii) to process fish at sea;

(iv) to transport fish from fishing grounds;

(v) to land fish or fish products at an Indian port;

(vi) to purchase or obtain bait, outfits, provisions or supplies (including fuel) at an Indian port;

(vii) to effect repairs at an Indian Port;

4. *Validity of Licence:*—(1) Every licence shall,—

(a) be issued in original duplicates; and authenticated copies shall be distributed to enforcement and other concerned authorities;

(b) apply only to the foreign vessel described in the licence and, where applicable, to the crew of that vessel; and

(c) be valid for the period specified in the licence.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:—

(a) one licence shall be for the use of the licensee; and

(b) one licence shall be retained by the Central Government.

5. *Terms and conditions of licence.*—(1) Every licence, shall be subject to the following terms and conditions, namely:—

(a) the licensee shall pay to the Central Government an amount set out in the Schedule I for the

purposes mentioned therein at the time of taking delivery of the licence;

(b) the master of the foreign vessel for which a licence is granted or a person acting on behalf of the master shall give twenty four hours prior notice to the authorised officer of —

(i) the estimated time of entry of the vessel into the maritime zone of India;

(ii) of the location of such entry; and

(iii) of the approximate schedule of activities to be conducted.

(c) the vessel and its crew shall engage only in the activities that are authorised by the licence;

(d) the activities authorised by the licence shall be carried out only at the time and in the areas of the maritime zone of India or ports set out in the licence;

(e) the licensee shall ensure that foreign members of the crew are employed only after obtaining necessary clearance from the Central Government. The Licensee shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;

(f) the master of each foreign fishing vessel during fishing operations shall notify the authorised officer the following, —

(i) time and position of commencement of fishing;

(ii) the time and position of the temporary departure from the fishing grounds for the purpose of embarking or disembarking an observer or for a call at an Indian port or any other temporary departure from the grounds which will involve departure from any authorised fishing area but which does not include departure from seaward limit of the fishing area beyond the Exclusive Economic Zone of India;

(iii) the time and position of return to the fishing grounds following temporary departure described in sub-clause (ii) above;

(iv) the time and position of any shift in its fishing area;

(v) the time and position at which it will cease fishing and the leave the fishing area;

(g) the master of the vessel shall communicate the information, to be notified under clause (f), to the officer of the Coast Guard in Porbander, Bombay, Cochin, Tuticorin, Madras, Vishakhapatnam, Paradeep, Haldia or Port Blair, at least twenty four hours before the commencement or cessation of fishing. He shall record in communication log, the Indian Standard Time and the contents of each communication made under this clause. All the communication shall be in English;

(h) Where the fishing is authorised by the licence, —

(i) the crew of the vessel shall fish only for the stocks or groups of stocks described in the licence;

(ii) the crew of the vessel shall not catch any fish by a species, size or age set out in the licence as prohibited catches, that are covered under the Wild Life (Protection) Act, 1972 (53 of 1972) and where such fish are caught they shall be retained and preserved on board the

vessel, accounted for in Form C and shall be surrendered at such places as may be directed by the authorised officer;

(iii) the quantities of fish of any stock or group of stocks caught in any area of the maritime zone of India during the terms of licence, or during any specified portion thereof, shall not exceed the quantities set out in the licence;

(iv) the crew of the vessel shall not discard any substantial quantities of fish of a stock or group of stocks caught in excess of the quantities set in the licence. Such quantities of stock or group of stocks shall be retained and preserved on board the vessel accounted for in Form D and shall be surrendered at such place as may be directed by the authorised officer;

(v) the crew of the vessel shall fish only by means of fishing equipment and gear of a kind set out in the licence; and

(vi) the master of the vessel shall cause written records to be maintained on a daily basis of the fishing efforts and catch of the vessel and of any transshipment and other dispositions of the catch by quantities, species, size and weight in Form E.

(i) where the transporting of fishing grounds is authorised by the licence —

(i) Only the species and quantities of fish set out in the licence shall be taken on board the vessel for that purpose;

(ii) the fish may be taken on board only from vessel of a class set out in the licence; and

(iii) the master of the vessel shall cause written records to be maintained on a daily basis of the fish taken on board the vessel for transportation in Form F;

(j) where the processing of fish is authorised by the licence, the master of the vessel shall cause written records to be maintained on a daily basis of the processing operations carried out and of the species, quantity and the State of processing of the fish taken on board the vessel for that purpose in Form G;

(k) the vessel shall have on board at all time during the period it is in maritime zone of India, equipment and fishing gear, including communications equipment, described in the licence as "required equipment";

(l) the master of the vessel or a person acting on behalf of the master shall, when authorised by the licence to visit an Indian Port, notify the authority specified in the licence of the estimated time of entry of the vessel into that port not less than twenty four hours prior to that estimated time;

(m) where the vessel is in an area of the maritime zone of India and is not authorised by its licence to engage in fishing at that time in that area, all fishing gear on board the vessel shall be stowed in the manner specified in rule 14;

(n) the master of the vessel shall cause reports to be made of the position of the vessel in space and time, operational conditions, and the nature of fishing including, where applicable, its catch statistics, and any transshipments or other dispositions of its catch, at such times, to such persons and by such means as are set out in the licence;

(o) where the Central Government requires the vessel to carry out, from time to time, a programme of sampling, observation or research in connection with fisheries in the maritime zone of India, the master shall comply with instructions issued to him by the Government in respect of that programme;

(p) the master of the vessel shall, where required by the Central Government or an officer authorised in this behalf, permit a technical observer or observers designated in writing by that Government to go on board and remain on board, at a time and for a period specified in that behalf, for the purpose of recording scientific data and observations or taking samples and records or any other purpose specified in the order;

(q) the master of the vessel shall take all reasonable precautions to ensure the safety of any authorised officer or technical observer boarding or leaving the vessel at sea including the observance of practice of good seamanship and, where necessary, the placing of a boarding ladder of good quality and design and safety line over the side of the vessel;

(r) where an authorised officer or technical observer is on board the vessel for a period of more than four hours, the master of the vessel shall provide the authorised officer or technical observer with suitable food and accommodation;

(s) the master of the vessel shall, —

(i) at the request of an authorised officer or technical observer, arrange for that officer or observer to send or receive messages by means of communication facilities on board the vessel;

(ii) provide all reasonable assistance in his power to enable an authorised officer or technical observer to carry out his duties and functions, and to the use of vessel's navigation equipment and personnel as necessary to determine the vessel's position;

(t) the master of the vessel shall, at any time, while within the maritime zone of India, at the request of an authorised officer, proceed forthwith for inspection to a place at sea and to a port as may be specified by that officer;

(u) the master of the vessel, upon being approached by an authorised officer in a vessel or ship or in an aircraft, shall immediately comply with any directions given to him by such authorised officer. For this purpose, the International Code of Signals shall be used;

(v) the vessel shall, at all time while within the maritime zone of India, —

(i) fly the flag of the flag state;

(ii) display in a place that is clearly visible both from the air and from sea level the letters and numbers identifying the vessel as set out in its licence, in white markings of at least one metre in height in the case of a vessel whose overall length exceeds twenty metres or one-half metre in height in any other case, on a black background, and where the markings are painted, the paint work shall be maintained in good condition so that the markings are clearly legible at all times;

(w) where the vessel is in the maritime zone of India, the master of the vessel or a person acting on behalf of the master shall notify the Central Government of the estimated time of departure from those waters not less than seventy two hours prior to that estimated time;

(x) the licensee shall, when required to do so, make arrangements for training of Indian crew and personnel on board the vessels;

(2) The licensee shall be bound all or any of the terms and conditions mentioned in sub-rule (1) and such additional conditions or restrictions as may be specified in the licence.

6. *Permits.* — (1) Every Indian citizen and person described in section 5 who intends to use any foreign vessel for fishing within any maritime zone of India shall make an application to the Central Government for a permit.

(2) Every application referred to in sub-rule (1) shall be in Form H and shall be made not less than thirty days prior to the first day on which the permit is required.

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may on receipt of an application after making such enquiry as may be relevant, grant a permit in Form I for all or any of the purposes mentioned in sub-rule (4) of rule 3 of these rules.

7. *Validity of permit.* — (1) Every permit shall,

(a) be issued in original duplicates and authenticated copies are to be distributed to enforcement and other connected authorities.

(b) be valid for a period as may be specified in the permit and in no case exceed more than five years.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:

(a) one permit shall be for the use of the permit holder; and

(b) one permit shall be retained by the Central Government.

8. *Terms and conditions of permit.* — (1) Every permit shall be subject to the following terms and conditions, namely: —

(a) the permit holder (hereinafter referred to as the charterer in this rule) shall pay to the Central Government an amount of Rupees ten thousand per vessel per year at the time of taking delivery of the permit;

(b) the charterer shall have the requisite managerial personnel who possess the necessary experience of fishing;

(c) the charterer shall give an undertaking in the form of bank guarantee, before the commencement of the charter, of an amount to be decided by the Central Government in each case to the Central Government that he shall purchase required number of vessels and put them in fishing operation in the Exclusive Economic Zone of India before the end of the stipulated period specified in the Schedule II;

(d) the charterer shall ensure that at least twenty per cent of the crew are Indian citizens and are posted as under studies to the foreign skipper, the engineer and to the other operational crew and that they shall be kept in readiness to embark on the chartered vessel at the time of inspection of the vessel by the authorised officer and shall remain on board the vessel throughout the charter period;

(e) the charterer shall ensure that the charter party provides for the settlement of dispute between the parties by arbitration in India;

(f) the Central Government may post scientist/observer on board each of the chartered vessel; the charterer shall ensure that the Indian scientists and observers, when so directed by the Central Government are permitted on board the chartered vessel for collection and examination of such data and material as may be required by that Government and shall see that such scientists and observers are provided proper food and accommodation on board the vessel by the master of the vessel;

(g) the charterer shall furnish to the Central Government valuation and sea worthiness certificates for the chartered vessel from an appropriate authority of its flag state and also furnish a copy thereof to the Director General of Shipping, Bombay;

(h) the charterer shall cause to be furnished to the Central Government the necessary certificates to the effect that the chartered vessel meets with the requirements in respect of safety of vessels and crew as per the provisions of the Merchant Shipping Act, 1958 (44 of 1958);

(i) The charterer shall ensure that,—

(i) no fishing is done for the protected species which are covered under the Wild Life (Protection) Act, 1972 (53 of 1972);

(ii) such protected species, if caught are immediately returned to water alive, if possible, and if not they shall be retained and preserved on board the vessel and accounted for in Form C and shall be surrendered at such place as may be directed by the authorised officer;

(j) the charterer shall not undertake shrimp-fishing operations for exploitation of coastal shrimps;

(k) where the charterer is a company the paid up share capital of the company shall not be less than rupees five lakhs during the charter period;

(l) the charterer shall not pay any marketing commission without the prior approval of the Central Government;

(m) the charterer shall ensure that the chartered vessel reports to the authorised officer before and after every fishing voyage and delivers the copy of the permit in its possession to the charterer before every departure to the foreign port;

(n) the charterer shall ensure that the foreign members of the crew on the chartered vessel are employed only after obtaining necessary clearance from the Central Government;

(o) the charterer shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;

(p) the charterer shall furnish to the Central Government voyage-wise statement of fish catch and exports from the chartered vessels with all the necessary details as set out in Form J.

(2) The charterer shall be bound by,—

(i) all or any of the terms and conditions mentioned in sub-rule (1);

(ii) all or any of the terms and conditions applicable to the licence except condition prescribed in clause (a) of sub-rule (1) of rule 5, and

(iii) such additional conditions or restrictions as may be specified in the permit.

**9. Display of licence or permit on board the vessel.**—(1) Subject to sub-rule (2), a copy of the licence or permit, duly attested by the issuing authority, shall be kept on board the foreign vessel described in the licence or permit while that vessel is in the maritime zone of India and shall be produced for examination by an authorised officer at his request.

(2) Every foreign vessel described in the licence or permit may enter in the maritime zone of India and proceed directly to an Indian port for the purpose of obtaining a copy of the licence or permit if,—

(a) all fishing gear on board the vessel is stowed in the manner specified in rule 14;

(b) the master of the vessel complies with any directions given to him by an authorised officer.

**10. Damage to Indian Vessels prohibited.**—No foreign vessel fishing in the maritime zone of India under the licence or a permit granted under these rules shall cause any damage either wilfully or through gross negligence to any fishing vessel, fishing stakes, fishing gear, fishing net or other fishing appliances owned or in possession of an Indian citizen;

**11. Commencement of fishing operations.**—No foreign vessel fishing in the maritime zone of India under the licence or the permit granted under these rules shall commence fishing operations without the clearance from the Coast Guards.

**12. Fishing in territorial waters prohibited.**—No foreign vessel shall undertake fishing operations within the territorial waters of India, unless otherwise specifically permitted for any specialised type of fishing and shall be subject to any other restrictions that may be specified in the licence or permit.

**13. Prohibition to carry any explosives, poisonous or noxious substances.**—(1) No foreign vessel or any person shall carry or have in its possession or control any explosives, poisonous or other noxious substances or apparatus fitted for or capable of utilising an electric current, with the intention of using such explosives, poisonous or other noxious substances or apparatus for killing, stunning, disabling or catching fish. Any explosives, poisonous or other noxious substance found on board any vessel or in possession of any person, shall be presumed, unless the contrary is proved, to be intended for the use specified above.



(2) No foreign vessel or any person shall attempt to destroy or abandon any fishing gear, fishing net or other fishing appliances, explosives, poisonous or other noxious substances or any other object or thing with the intention to avoid their detection or seizure.

14. *Entry into maritime zone of India without licence/permit.*—(1) Subject to sub-rule (2), a foreign vessel may, without the authority of a licence or a permit enter the maritime zone of India for the purpose of passing through such waters in the course of a voyage to a destination outside the maritime zone of India.

(2) A foreign vessel that has entered in the maritime zone of India without the authority of a licence or a permit shall comply with the following conditions while in the maritime zone of India,—

(a) all fishing gear on board the vessel shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing;

(b) all fishing nets, fishing lines, hooks, jigs, trawl boards, weights and floats shall be disconnected from their towing, connecting or hauling wires, ropes or rigid frames;

(c) the master of the vessel shall comply with any directions given to him by an authorised officer; and

(d) where an authorised officer requests information respecting the name, flag state, location, route or destination of the vessel, or the circumstances under which it entered maritime zone of India, the master of the vessel shall promptly convey the information to the officer.

15. *Fishing for scientific research, investigation, etc.*—Where a foreign vessel is to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing, the Central Government may grant a permit to such foreign vessel under section 8 of the Act. Where such a permission is granted, the Central Government may apply all or any of the terms and condition prescribed for the licence under rule 5 or for permit under rule 8, as well as such additional conditions as may be specified.

16. *Contravention of conditions of licence, permits of rules.*—Contravention of any of the provisions of these rules shall be punishable with fine, which may extend to Rs. 50,000 without prejudice to the penalties which may be awarded under the Act.

[No. 29012/2/81-Fy. (T.I.)]

S. P. JAKHANWAI, Jt. Secy.

#### SCHEDULE I

[See rule 5(1) (a)]

##### Amount payable under rule 5 (1) (a)

Purpose of licence	Amount Payable
1. Fishing by squid jigging.	Rs. 1,000/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.

- Fishing by trawling. Rs. 2,000/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.
- Fishing by long lining/gill-netting. Rs. 1,500/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.
- Fishing for tuna by long lining/purse-seining/pole and line fishing. Rs. 1,000/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.
- Transporting of fish. Rs. 500/- per tonne of fish carrying capacity of the vessel for each voyage.
- For any other purpose mentioned in rule 3(4). Rs. 200/- per gross registered tonne of the craft for each voyage.

#### SCHEDULE II

[See rule 8(1)(c)]

##### Schedule of purchase of vessels

No. of vessels/ or pair of vessels	No. of months from the beginning of the charter operation when obligatory purchase and fishing operation becomes due.				
	First vessel or first pair of vessel	Second vessel or second pair of vessel	Third vessel or third pair of vessel	Fourth vessel or fourth pair of vessel	Fifth vessel or fifth pair of vessel
1	18	..	..	..	..
2	18	30	..	..	..
3	18	24	33	..	..
4	18	24	33	42	..
5	18	24	33	42	51

#### FORM A

[See rule 3(1)]

##### Form of Application of Licence

To

The Secretary to the Government of India,  
Department of Agriculture and Cooperation,  
Ministry of Agriculture,  
Krishi Bhavan,  
New Delhi-110001  
India

Sir,

I hereby apply for a licence under section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, in respect of which the following particulars are furnished:

- Name of the applicant and postal address.
- Status of the applicant and his financial position (If the applicant is a company, full details thereof).
- Present activities of the applicant including the specific activities relating to fishing.
- Details of fishing vessels/fish processing units/export/import of fish as in the past three years.
- Details of the proposed fishing project indicating particulars on fishing vessels, number of vessels to be operated, anticipated fish catch, project economics, processing and marketing arrangements, area and base of operation, etc.
- Description of the vessel, equipment and complements:—
  - Name of the Vessel.
  - Flag state and home port of Vessel.
  - Country and port of registration.
  - Registration number.
  - Radio call sign/signal letter/radio frequencies.
  - Name of owner and master of the vessel.
  - Nationality and address of owner and master.

- (h) Purpose of vessel (kind of vessel).
- (i) Kind of vessel's hull.
- (j) Vessel's year (date of construction) and date of launching.
- (k) Number of deck.
- (l) Number of mast.
- (m) Registered length.
- (n) Registered breadth.
- (o) Registered depth (draft).
- (p) Gross tonnage and net tonnage.
- (q) Fish Hold capacity and Refrigeration Capacity.
- (r) Kind of main engine, name and place of main engine manufactured.
- (s) Rated H.P. of main engine.
- (t) Kind of propeller.
- (u) Class of equipments (list).
- (v) Certified crew capacity.
- (w) Service limitations of the vessel.
- (x) Name and address of the ship builder.
- (y) Value of the vessel.
- (z) Any other remarks.

7. The electrical specifications of the craft and its equipment.

8. Description of the proposed fishing operation:—

- (a) the species to be fished;
- (b) the method of fishing and type and dimensions of gear to be used and mesh sizes of different parts of fishing net;
- (c) area/areas to be fished;
- (d) the amount of fish to be caught;
- (e) the period of time for which licence is sought;
- (f) the place in which the fish is to be landed and/or processed.
- (g) a description of support operations and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out.

9. Name and address of the person resident in India appointed by the owner to represent him in all dealings with the Government and evidence of the extent to which he is authorised to undertake legal and financial obligations on behalf of the owner.

10. Plans for the use of Indian facilities in the support, provisioning and maintenance of vessels.

11. Such other information as may be required by the Government of India.

Dated ..... Day ..... of ..... of the year .....

Signature of the applicant

## FORM B

[See rule 3 (4)]



Government of India

## MINISTRY OF AGRICULTURE

Department of Agriculture and Cooperation

New Delhi

No. ...

Dated ...

Licence to Fish in the Exclusive Economic Zone of India

This Licence is granted in pursuant to section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981).

2. The foreign Fishing vessel described hereunder is hereby licensed for the purpose specified in paragraph 3 of this licence and in accordance with the conditions set out in paragraphs 6 and 8 of this licence and shall be subject to all the Indian laws that apply to the vessels in the Maritime Zones of India.

### Description of the vessel

Name of the vessel ...

Name of the owner ...

Type of vessel ...

Country of registration/Flag State ...

Registration Number ...

Overall length ...

Gross tonnage ...

International radio call sign and radio frequency ...

Name and address of the master ...

3. The purposes for which the vessel may be used:

4. Area:

5. Period:

6. The licensee shall be bound by the terms and conditions specified in rule 5 and the additional condition/restriction specified in paragraph 8.

7. Exemptions in the terms and condition, if any.

8. Additional conditions.

9. Names of the foreign crew:

10. List of Required Equipments ...

11. Subject to the provisions of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, this licence is valid from the ... day of ... 198 ... to the ... day of ... 198

12. This licence is not transferable.

Secretary to the Govt. of India.

## FORM C

[See rule 5(1)(h)(ii)]

Data on catch of prohibited fish species

1. Name and address of fishing company:

2. Particulars of fishing vessels:

Name

Size

Horse Power of Main Engine:

Base of operation:

3. Licence Number and period of validity.

4. Description of fishing operations authorised in the licence.

5. Details of fishing gear used:— (a) Length of headline.

(b) Greatest depth.

(c) Mesh size.



6. Description of the catch

Sl. No.	Location of the vessel		Date and Time	Gear in operation	Fishing Zone	Depth (Metre)	Species (prohibited)	Average Length (CM)	Average Weight (Kg)	Number
	Latitude	Longitude								
1	2	3	4	5	6	7	8	9	10	11
1.										
2.										
3.										

7. Place of surrendering the catch.  
8. Conditions of the catch at the time of surrendering.  
9. Comments of the Master/Skipper.

Signature of owner/owner's representatives

FORM D

[See rule 5(1) (h) (iv)]

Data on quantity of fish caught in excess of permitted quantum

1. Name and address of the fishing company:  
2. Particulars of fishing vessels.  
Name:  
Size:  
Horse Power of Main Engine.  
Base of operation.  
3. Licence Number and period of validity.  
4. Description of fishing operations authorised in the licence.  
5. Species-wise quantity of fish permitted in the licence (quota).  
6. Details of catch particulars.

No.	Location of fishing vessel	Date & Time	Fishing Zone	Length, Depth and mesh size of fishing gear	Species caught	Raw weight (Kg.)	Processed products prepared on board the vessel if any	Weight (Kg.)	Total catch (Kg.)
1	2	3	4	5	6	7	8	9	

7. Details of excess catch

Sl. No.	Location of fishing vessel	Date & Time	Fishing Zone	Depth (Metres)	Species caught in excess	Average Weight (Kg.)	Average length (cm)	Condition of fish	Reasons for excess catch
1	2	3	4	5	6	7	8	9	10

8. Particulars of excess catch surrendered

Species	Weight (Kg.)	Place of surrendering	Authority to whom surrendered

9. Remarks of Master/Skipper.

Signature of owner/owners representatives

FORM E

[See Rule 5(1) (h) (vi)]

Daily Cumulative catch Log

1. Name and address of the fishing company:  
2. Particulars of fishing vessels:  
Name:  
Size:  
Horse Power of Main Engine.  
Base of operation.

3. Licence Number and period of validity.
4. Description of fishing operations authorised.
5. Species-wise catch of fish and quantity permitted in the licence.
6. Fishing Area.
7. Date of entry to Indian Exclusive Economic Zone.

S. No.	Vessel number	Position	Date & Time	Time of Shooting gear	Time of hauling gear	Hours of fishing	Depth (Metre)	Type of gear
1	2	3	4	5	6	7	8	9

Mesh Size	Species caught	Quantity	Disposition	Cumulative total	Cumulative disposition	Details of transhipment
10	11	12	13	14	15	16

## 8. Details of Disposition of catch

Item

Quantity (Kg.)

- (a) Consumption:
- (b) Fish gutted:
- (c) Head on (or off):
- (d) Filleted.
- (e) Frozen.
- (f) Canned.
- (g) Fish meal
- (h) Oil

Signature of owner/owner's representative

## FORM F

[See rule 5(1) (i) (iii)]

## Particulars of transhipment

1. Name and address of fishing company.
2. Particulars of fishing vessels.  
Name:  
Size:  
Horse Power of main engine.  
Base of operation.
3. Licence Number and period of validity.
4. Catch and Effort Data:

Area	Species	Number of days fished	Catch (in kg)	Product from vessel
5. Licence Number and side number of vessel receiving transhipment.				
6. Position at the time of transhipment: Latitude Longitude				
7. Date of message from vessel:				
8. Species and quantities transferred:				
Species	Gross weight (kg.)	Value		

Signature of own licensee/his representatives

## FORM G

[See rule 5(1)(j)]

## Particulars of processing operations on board the vessel under licence

1. Name and address of fishing company.
2. Particulars of fishing vessels.  
Name  
Size  
Horse Power of main engine.  
Base of operation.
3. Licence Number and period of validity.
4. Description of fishing operations authorised in licence.
5. Name of the port to be used as base.
6. Processing Machinery and Equipment:

Type	Number of Units	Specifications and daily capacity	Percentage utilisation of capacity
------	-----------------	-----------------------------------	------------------------------------

8. Storage and holding Nature of storage	Number of species	Dimensions/volume of fish hold
---	-------------------	--------------------------------

9. Processing details.					
Species	Area of Operation	Date of operation	Duration of operation From To	Catch particulars	Products prepared on vessel & quality (Kg.)

(Enter in this column, types of products processed on board the vessel by species, viz. fish gutted, head on (or off) filleted, salted, frozen, canned, meal & oil etc.)

10. Position and time of reporting:  
Latitude  
Longitude  
Time  
Date

Signature of owner/owner's representative.

## FORM H

[See rule 6 (2)]

## Form of Application for 'Permit'

## Outline Details Required for Proposed Operations

1. Name of the applicant and postal address.
2. Whether the applicant is a registered company under the Companies Act, if so, furnish the following particulars: —  
(a) Date and number of Registration and Place.  
(b) Authorised, Subscribed and paid up share capital.  
(c) Attach latest Balance-sheet.  
(d) If the company comes under the provision of Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), please state whether necessary clearance is available.
3. The foreign collaborator's name, address, Telephone number, Telex number and name of Bankers and their activities in India and in other countries.
4. Present activities of the applicant, if any:  
(a) Specified activities undertaken.

- (b) Details of fishing vessels/fish processing units and fish export made during the past three years.
- (c) Name of all Directors/Chief Executive/Operations Manager/other employees of the Indian Company, their experience in marine fisheries indicating specified fields.

5. Details of the Project proposed to be taken up (enclose project report covering particulars on fishing vessels, anticipated fish production, processing and marketing organisation, management, including financial sources, economics of operation area and base of operation, identity of fishery resources to be exploited, catching methods, gear to be employed etc.).

- (a) Type of vessels, type of gear and number of vessels proposed to be chartered (Enclose detailed specifications and general arrangement drawings and also a full list of machinery and equipment, navigational lights, life saving appliances, fire fighting equipment, inventory items etc.)
- (b) Description of the vessel, equipment and crew complement (Enclose certificate given by competent

authorities regarding valuation and sea worthiness of the vessels):—

- (i) Name of the vessel.
- (ii) Flag state and home port of vessel.
- (iii) Country and port of registration.
- (iv) Registration number.
- (v) Radio call sign/signal letter/radio frequencies.
- (vi) Name of owner and master of the vessel.
- (vii) Nationality and address of owner and master.
- (viii) Purpose of vessel (kind of vessel).
- (ix) Kind of vessel's hull.
- (x) Vessel year (date of construction and date of launching).
- (xi) Number of deck.
- (xii) Number of mast.
- (xiii) Registered length.
- (xiv) Registered breadth.
- (xv) Registered depth (draft).
- (xvi) Gross tonnage and net tonnage.
- (xvii) Fish Hold capacity and refrigeration capacity.
- (xviii) Kind of main engine, name and place of main engine manufactured.
- (xix) Rated Horse Power of main engine.
- (xx) Kind of propeller.
- (xxi) Class of equipments (list).
- (xxii) Certified crew capacity.
- (xxiii) Service limitations of the vessel.
- (xxiv) Name and address of the ship builder.
- (xxv) Value of vessel.
- (xxvi) Any other remarks.
- (c) Number, classification and experience of foreign crew.
- (d) Number and names of foreign personnel to be employed ashore.
- (e) Enclose authenticated copy of the offer received from foreign collaborator.

6. Duration of charter.

7. Annual rate of charterage or charterage for entire duration.

8. Whether the charterer retains option to purchase vessels after the charter period and terms thereof.

9. Whether the foreign collaborator is willing to assist in export of catches, if so, the terms and conditions.

10. Arrangements for training of Indian-counterparts.

11. Statement of foreign exchange inflow anticipated (excluding payments in foreign exchange out of total earnings by way of exports) for the duration of charter.

12. Total income, total expenditure and net profit anticipated for the duration of charter.

13. Form of charter party proposed to be entered into.

14. Financial arrangements (Describe in detail).

15. Proposals of shore establishment (if any).

- (i) Intended location and description of any shore based plant.
- (ii) Proposal for registration and date of completion of any shore based plant as a Registered Export Establishment.
- (iii) Arrangements for processing catch.
- (iv) Estimated annual output of the plant.
- (v) Percentage of total catch to be processed and/or exported.
- (vi) Export market and marketing arrangements for total catch.

#### DECLARATION

I/We ..... by this declaration subscribed by me/us pursuant to and in compliance with section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981), fully understand all the provisions of the said Act and Rules and orders issued thereunder and agree to abide by them. I/We ..... further declare that the particulars furnished in the above application are true to the best of my/our knowledge.

Signature of the applicant(s)

#### FORM I

[See rule 6 (4)]



Government of India

Ministry of Agriculture

Department of Agriculture & Cooperation  
New Delhi

No. ....

Dated .....

Permit to Fish in the Exclusive Economic Zone of India

This permit is granted in pursuant to section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act 1981 (42 of 1981).

2. .... is hereby permitted to use the foreign fishing vessels under charter described hereunder for the purposes specified in paragraph 5 of this permit and in accordance with the conditions set out in paragraphs 8 and 10 of this permit and shall be subject to all the Indian laws that apply to the vessels in the Maritime Zone of India.

3. Description of the vessel

- (i) Name of the vessel
- (ii) Type of vessel:
- (iii) Country of registration:
- (iv) Registration Number:
- (v) Overall length:
- (vi) Gross tonnage:
- (vii) International radio call sign and radio frequency:
- (viii) Name and address of the master:
- (ix) Name and address of the foreign collaborators.

4. Details of charters fee, mode of payment and any other stipulation.

5. The purposes for which the vessel may be used.

6. Base and area of operation.

7. Period of operation of the vessel.

8. The permit holder shall bound by the terms and conditions specified in rule 8 and the additional conditions/restrictions specified in paragraph 10.

9. Exemptions in the terms and condition if any

10. Additional conditions.

11. Names of foreign crew.

12. Subject to the provisions of the Maritime Zones of India (Regulation by Foreign Vessels) Rules, 1982, this permit is valid from the ..... day of ..... 198 ..... to the ..... day of ..... 198

13. This permit is not transferable.

Dated .....

Secretary of the Govt. of India

#### FORM J

[See rule 8(1) (p)]

Voyage-wise Statement to be Furnished by the Charterer

1. Name and address of the Charterer.

2. Particulars of fishing vessels:

Name

Size

Over length

Gross Registered Tonnage.

Horse Power of main engine.

Base of Operation.

3. Number of crew:

Foreign.

Indian.

## 4. Period of voyage:

- (i) Date of departure from foreign port.
- (ii) Date of entry into the Maritime Zone of India.
- (iii) Date of reporting at the base of operation.
- (iv) Period of fishing                      From                      To
- (v) Date of departure from the base of operation.
- (vi) Date of leaving the Maritime Zone of India.

## 5. Details of each fishing operation (for each haul)

- (i) Haul Number.
- (ii) Type and Size of Gear.
- (iii) Position                      Shotting                      Hauling
- Latitude
- Longitude
- (iv) Time
- Shot
- Hauled
- (v) Depth (metres)
- (vi) Total catch (in kilograms)

Maintain species	Weight (Kilograms)
------------------	--------------------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- etc.

6. (i) Value declared at customs for the total catch and for each variety (in foreign currency).

(ii) Value realised on domestic marketing for each variety (in Indian rupees).

7. Quantity, value and country to which each item was exported.

8. Payment made to foreign collaborator:  
In foreign exchange.  
In Rupees.

9. Payment received from foreign collaborator:  
In foreign exchange.  
In Rupees.

Signature of the Charterer

Law Department (Legal Advice)

## Notification

LD/5/17/82 (D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 28th day of July, 1982 and assented to by the Administrator on the 14th November, 1982 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 23rd November, 1982.

The Goa, Daman and Diu Registration of Tourist  
Trade Act, 1982

(Act No. 10 of 1982)

AN

ACT

*to provide for the registration of persons dealing with tourists and for matters connected therewith.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows:

## CHAPTER I

## Preliminary

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Registration of Tourist Trade Act, 1982.

(2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) 'boat' includes a house-boat, motor-boat, motor launch, pedal boat, sailing boat and canoe;

(b) 'certificate' means a certificate of registration issued under any of the provisions of this Act;

(c) 'dealer' means a person carrying on in a tourist area the business of selling any notified article, whether wholesale or retail, and includes his agent or employee transacting business on his behalf;

(d) 'Government' means the Government of Goa, Daman and Diu;

(e) 'hotel' includes any premises or part of premises including a house-boat, restaurant, bar or a tent where lodging with or without board or any kind of eatables or beverages is provided for a monetary consideration;

(f) 'hotel keeper' includes any person who owns or operates a hotel as proprietor and includes a person managing or operating the affairs of a hotel for and on behalf of the proprietor;

(g) 'malpractice' includes cheating, touting, impersonation, obstruction in allowing free choice for shopping or stay or travel management, charging a price higher than that displayed on the label or remuneration higher than that fixed under this Act, failure to display price label on the articles, failure to give cash memos and wilful failure to execute an order within the stipulated time and according to the terms agreed.

*Explanation 1.* — For the purposes of this clause, labelled price (the price displayed on the label on the article) shall be the reasonable price as may be fixed by the prescribed authority.

*Explanation 2.* — The expression 'touting' means coercing for shopping, accommodation, transportation, sight seeing or pestering for any particular premises, person, establishment, manufacturer or any other service connected with tourism with consideration of personal benefit;

(h) 'notified article' means any article notified by the Government in the Official Gazette for the purposes of this Act;

(i) 'prescribed' means prescribed by rules made under this Act;

(j) 'prescribed authority' means the authority notified as such by the Government, provided that different authorities may be notified for different provisions of this Act;

(k) 'tourist area' means any area notified by the Government in the Official Gazette to be a tourist area for the purposes of this Act;

(l) 'tourist' means a person or group of persons, including pilgrims, visiting the Union territory of Goa, Daman and Diu from any part of India or outside India;

(m) 'travel agent' means a person engaged in the business of making travel, camping, tour operating or other travel arrangements for tourists for a monetary consideration and includes a tourist guide, excursion agent, tent and camping agent or tour operator;

(n) 'travel arrangements' include —

(a) arrangements for transportation, sight seeing;

(b) arrangements for lodging with or without food; and

(c) rendering other services, such as, assistance for game, sports or receipt or despatch of personal belongings of a tourist.

## CHAPTER II

### Registration of Dealers

3. Registration. — (1) Every person intending to carry on business of a dealer under this Act shall, before he commences such business, apply for registration to the prescribed authority in the prescribed manner:

Provided that nothing in this sub-section shall apply to the sale of notified articles in fairs and temporary markets organised during festivals.

(2) Notwithstanding anything contained in sub-section (1), any person already carrying on business of selling any notified article in a tourist area on the date such article is notified under clause (h) of section 2 shall apply for registration under this Act within three months from the aforesaid date.

(3) Every application made under sub-section (1) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

4. Certificate of Registration. — The prescribed authority shall, unless registration is refused under section 5, direct that the name and the particulars of the dealer be entered in the register maintained for the purpose and shall issue a certificate to the dealer in the prescribed form within a period of three months from the date of the receipt of the application.

5. Refusal to register. — (1) The prescribed authority may refuse to register a dealer under this Act on any of the following grounds, namely: —

(a) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food and drugs or corruption

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and two years have not elapsed since the termination of the sentence imposed upon him;

(b) if he has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(c) if his name has been removed from the register under clause (c) or clause (d) of section 6 and three months have not elapsed since the date of removal;

(d) if in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

6. Removal of the name from the Register. — (1) The prescribed authority may, after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a dealer from the register and cancel his certificate on any of the following grounds, namely: —

(a) if he ceases to be a dealer;

(b) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

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(c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against him.

(2) Any dealer whose name is removed from the register under sub-section (1) shall forthwith cease to be a dealer.

## CHAPTER III

### Registration of Hotels

7. Registration. — (1) Every person intending to operate a hotel in a tourist area shall, before operating it, apply for registration to the prescribed authority in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1), any person already operating a hotel in a tourist area on the date of notification under clause (k) of section 2, shall apply for registration within three months from the aforesaid date.

(3) Every application made under sub-section (1) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

8. Certificate of registration. — The prescribed authority shall, unless registration is refused under section 9, direct that the name and the particulars of the hotel and the hotel keeper be entered in the register maintained for the purpose and shall issue a certificate to the hotel keeper in the prescribed form.



**9. Refusal to register a hotel.** — (1) The prescribed authority may refuse to register a hotel under this Act on any of the following grounds, namely: —

(a) if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;

(b) if the hotel-keeper has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(c) if the name of the hotel-keeper has been removed from the register under clause (c) or clause (d) of section 10 and three months have not elapsed since the date of removal;

(d) if the hotel keeper does not hold a licence or certificate required to be held by him under any law for the time being in force;

(e) if in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

**10. Removal of the name from the Register.** — (1) The prescribed authority may, after giving an opportunity of being heard, by an order in writing, remove the name of a hotel from the register and cancel its certificate on any of the following grounds, namely: —

(a) if the hotel-keeper ceases to operate the hotel in the tourist area for which it is registered;

(b) if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

(c) if the hotel-keeper is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against a hotel-keeper.

(2) Any hotel the name of which is removed from the register under sub-section (1) shall forthwith cease to operate.

**11. Classification of hotels and fixation of rates.** — The prescribed authority may after following the procedure as may be prescribed and after giving an opportunity of being heard to the hotel-keeper, by notification in the Official Gazette, classify the hotels and award a grade to each hotel and also fix the reasonable maximum rate and the service charges, if any, commensurate with

the standard of the hotel and the quality of food, accommodation and service, which may be charged by the hotel-keeper for board or lodge or for both from the person staying therein or from other customers:

Provided that nothing in this section shall apply to the hotels which are classified or graded by the Government of India or any board or authority under the Government of India or by or under an Act of Parliament.

**12. Hotel-keeper to display information.** — Every hotel-keeper shall cause to be displayed at some conspicuous place of the hotel, such information as may be prescribed.

**13. Hotel-keeper to present detailed bill.** — Every hotel-keeper shall render detailed bills to the persons residing in the hotel and other customers and shall give receipts in acknowledgement of all payments.

#### CHAPTER IV

##### Travel Agents

**14. Registration.** — (1) No person shall carry on the business of a travel agent unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to act as a travel agent shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner.

(3) Notwithstanding anything contained in sub-section (2), any person already engaged in the business as a travel agent, shall apply for registration within three months from the date of commencement of this Act.

(4) Every application made under sub-section (2) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

**15. Certificate.** — The prescribed authority shall, unless registration is refused under section 16, direct that the name and particulars of the travel agent be entered in the register maintained for the purpose and issue a certificate to the travel agent in the prescribed form.

**16. Refusal to register.** — (1) The prescribed authority may refuse to register a travel agent under this Act on any of the following grounds, namely: —

(a) if he does not possess any of the prescribed qualifications;

(b) if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;

(c) if he has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

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(d) if his name has been removed from the register under clause (c) or clause (d) of section 17 and three months have not elapsed from the date of removal;

(e) if in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

**17. Removal of the name from the register.** — (1) The prescribed authority may, after giving an opportunity of being heard, by an order in writing, remove the name of a travel agent, from the register and cancel his certificate on any of the following grounds, namely: —

(a) if he ceases to act as a travel agent;

(b) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

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(c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against him.

(2) Any travel agent whose name is removed from the register under sub-section (1) shall forthwith cease to be a travel agent.

**18. Fixation of rates.** — The prescribed authority may, by a notification in the Official Gazette, fix the reasonable maximum rates which may be charged by a travel agent for the services rendered by him to a person engaging him as such.

**19. Travel agent not to demand tip, etc.** — No travel agent shall demand any tip, gratuity, presents or commission other than that permissible under this Act from any persons engaging him or from any dealer selling notified article to any person or from any hotel-keeper in whose hotel such person resides or intends to reside.

#### CHAPTER V

##### Appeal and Revision

**20. Appeal.** — (1) Subject to the provisions of sub-section (2), an appeal shall lie from every order of the prescribed authority under this Act to the appellate authority to be appointed by the Government.

(2) Every such appeal shall be preferred within ninety days from the date of communication of the order:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) The appellant shall have a right to be represented by a counsel or by a duly authorised

agent and the prescribed authority may be represented by such officer or person as the prescribed authority may appoint.

(4) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, pass such order as it may deem fit, after recording the reasons therefor.

**21. Revision.** — The Revisional authority to be appointed by the Government may, either on his own motion or on an application made by an aggrieved party, call for the record of any case disposed of by the appellate authority, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by the appellate authority and pass such order thereon as it may deem fit and such order shall be final:

Provided that no such record shall be called for after the expiry of three months from the date of communication of the order:

Provided further that no order under this section shall be made to the prejudice of a person unless he has had a reasonable opportunity of being heard either personally or through a counsel or by a duly authorised agent.

#### CHAPTER VI

##### Offences and Penalties

**22. Penalty for default in registration.** — (1) Any person carrying on the business of a dealer, hotel-keeper or travel agent without proper registration under this Act or in violation of any of the provisions of this Act or the Rules made thereunder shall be punishable by the prescribed authority with fine which may extend to Rs. 2,000/-.

*Explanation.* — A person who has made an application within the prescribed period and which is pending disposal shall not be a defaulter for the purposes of this section

**23. Penalty for false statement.** — If any person required to make a statement under this Act or the Rules made thereunder wilfully makes a false statement or suppresses a material fact with an intention to mislead the prescribed authority, he shall be punishable by the prescribed authority with fine which may extend to Rs. 2,000/-.

**24. Certificate not to be assigned.** — Any person who lends, transfers or assigns the certificate issued under this Act, shall be punishable by the prescribed authority with fine which may extend to Rs. 2,000/-.

**25. Certificate and documents to be shown to persons on demand.** — (1) Any person registered under this Act, shall, at all times on demand, produce and show his certificate or any other document required under this Act or the Rules made thereunder to the prescribed authority or any officer authorised by him in this behalf.

(2) Any person who refuses on demand to show his certificate or document, or allow it to be read by any of the persons authorised to demand it, shall

be punishable by the prescribed authority with fine not exceeding Rs. 500.

**26. Penalty for malpractice.** — If any dealer, hotel-keeper, travel agent or any other person to whom this Act may be made applicable, commits a malpractice or contravenes any other provision of this Act or the Rules made thereunder in a tourist area for which no specific penalty has been provided, he shall be punishable by the prescribed authority with fine which may extend to Rs. 1,000/-

**27. Obstructing lawful authorities.** — If any person wilfully obstructs or offers any resistance to, or otherwise interferes in the discharge of the functions of the prescribed authority or any officer authorised by him exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the Rules made thereunder, he shall be liable to punishment with imprisonment which may extend to three months or with fine not exceeding Rs. 100 or with both.

**28. Penalty for subsequent breaches.** — (1) Any person committing a breach of any of the provisions of the Act or the Rules made thereunder for which he has been once punished with fine by the prescribed authority under any of the provisions of this Chapter, shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 5000/- or with both.

(2) No prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the prescribed authority.

(3) Any fine imposed under this Chapter shall be recovered as if it were a fine recoverable under the provisions of the Code of Criminal Procedure, 1973. (Central Act 2 of 1974).

**29. Power of the prescribed authority to summon and enforce attendance of witnesses and other persons.** — The prescribed authority shall have all the powers of a civil Court, under the Civil Procedure Code, 1908 while hearing any application under this Act in respect of the following matters, namely: —

Central  
Act  
5 of 1908

(a) summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witnesses required in connection therewith;

(b) compelling the production of any document, and

(c) examining witnesses on oath —  
and may summon and examine suo moto any person whose evidence appears to be material.

**30. Composition of offences.** — (1) Subject to such conditions as may be prescribed, the prescribed authority may accept from any person accused of an offence under this Act or the Rules made thereunder, other than an offence under section 27 of the Act, such sum of money, as may be prescribed, by way of composition for such offence and may, out of the money so received, compensate the person against whom the offence has been committed to the extent the prescribed authority deems reasonable.

(2) On the composition of the offence, no further proceeding in respect thereof shall lie.

## CHAPTER VII

### Miscellaneous

**31. Notification of changes.** — (1) Whenever a business, for which a certificate is held by a person, devolves, by inheritance or otherwise, upon any other person or undergoes a change in respect of any particulars entered in the register under this Act, such person shall, within sixty days of the date of such devolution or change, notify in writing, the fact to the prescribed authority.

(2) The prescribed authority shall make necessary changes in the register maintained for the purpose and in the certificate.

(3) Notwithstanding anything contained in sub-section (2), the prescribed authority may, after giving an opportunity of being heard, remove from the register, the name of the person in whose favour the certificate was issued and cancel the certificate if the successor is not qualified to be registered under this Act.

**32. Return of certificate.** — When a certificate is cancelled under this Act, the person holding such certificate shall, within seven days from the date of communication of the order of cancellation return it to the prescribed authority.

**33. Duplicate certificate.** — If a certificate issued under this Act is lost, damaged or destroyed, the prescribed authority shall, on an application made in that behalf by the person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.

**34. Certificate to be kept exhibited.** — The Certificate shall be exhibited by the person holding it in a conspicuous place at the principal place of his business and if he has no place of business, he shall keep it on his person.

**35. Publication of name of person removed from the register.** — The prescribed authority shall publish in the Official Gazette and in such other manner it deems fit, the names and addresses of the persons and of the hotels whose names have been removed from the register or whose certificates have been cancelled or who have been refused registration under this Act.

**36. Power to inspect.** — The prescribed authority or any person authorised by him in this behalf may, within the tourist area, inspect at all reasonable times, the premises in which a dealer or a travel agent carries on his business or any premises where a hotel is operated and require such dealer, travel agent or a hotel-keeper to produce any document kept in pursuance of this Act or the rules made thereunder for inspection.

**37. Fixation of rates for other services.** — The prescribed authority may, by a notification in the Official Gazette, fix the reasonable maximum rates which may be charged in a tourist area, for such other tourist service, as may be prescribed.

**38. Powers of Government to apply Act to other persons.** — The Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act or the rules made thereunder shall, with such exceptions, adaptations or modifications as may be considered necessary, apply to persons doing the business of providing such tourist service in a tourist area as may be prescribed.

**39. Powers and duties of police in respect of offences and assistance to prescribed authority.** — Every police officer shall give immediate information to the prescribed authority of an offence coming to his knowledge which has been committed against this Act or any rule made thereunder and shall assist the prescribed authority in the exercise of his lawful authority.

**40. Indemnity.** — No suit, prosecution or other legal proceedings whatsoever shall lie against the Government or any officer or employee of the Government in respect of anything which is in good faith done or intended to be done under this Act.

**41. Reservation of powers of local authority.** — Nothing in this Act shall take away or diminish any of the powers vested in any local authority by or under any law for the time being in force.

**42. Power to make rules.** — (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for —

(a) the maintenance of registers, books and forms by a hotel-keeper, dealer or travel agent for conduct of business;

(b) the form of application for registration and for certificate;

(c) the fee for registration;

(d) the manner for giving notices under this Act;

(e) classification of hotels and travel agents;

(f) qualification for registration as travel agents;

(g) manner of publication of the names and address of the persons and of the hotels removed from the register or to whom registration has been refused;

(h) the place where the prescribed authority shall hold enquiry under this Act; and

(i) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be subject to the conditions of previous publication.

Secretariat,

Panaji-Goa,

Dated: 23rd November, 1982.

U. D. SHARMA

Secretary to the Government of Goa, Daman and Diu, Law Department (Legal Advice)